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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,642	O	77/27/2001	Tim Corvi	018489001610 9072	
20350	7590	09/24/2003			
		TOWNSEND AN	EXAMINER		
TWO EMBA EIGHTH FL		RO CENTER	MCCROSKY, DAVID J		
SAN FRANCISCO, CA 94111-3834				ART UNIT	PAPER NUMBER
				3736	10
				DATE MAILED: 09/24/2003	$\mathcal{C}$

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on 19 October 2001.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 59-61 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.			8
Examiner David J. McCrosky  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercises of time may be evaluated under the positions of 31°CFR 1.135(a). In an event, however, may a reply be timely filed If the position for pays specified solver, the macentum distance years within the statutory minimum of timy (30) days will be considered timely.  If the position of pays specified solver, the macentum distance years will be positioned to reply its specified solver, the macentum distance years will be considered timely.  If the position of pays specified solver, the macentum distance years will not a statutory minimum of timy (30) days will be considered timely.  If the position of pays specified solver, the macentum distance years will not a statutory minimum of timy (30) days will be considered timely.  If the position of pays specified solver, the macentum distance years will not a statutory and will not a pay to the statutory of the communication, even if timely filed. Then the malting date of the communication, even if timely filed, may reduce any searce patient term adjustment. Sea 3 / CFR 1.74(b).  Status  1) See Responsive to communication(s) filed on 19 October 2001.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) §9-61 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  5) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  9) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b  objected to by the Examiner.  If approved, corrected drawings are	·	Application No.	Applicant(s)
David J. McCrosky 3736  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is lass than thirty (30) days, a reply whitin the statutory retired was provided in the statutory retired was provided by the considered timely.  If the period for reply specified above is lass than thirty (30) days, a reply whitin the statutory retired was provided by the period of this communication.  If the period for reply specified above is lass than thirty (30) days, a reply whitin the statutory retired was provided by the period of this communication.  If the period for reply specified above is lass than thirty (30) days, a reply whitin the statutory retired was provided by the Office later than three months after the making date of his communication, even if timely filed, may reduce any seamed patient and adjustment. Set of TCR 17-106, 19.  A reply reply reduced by the Office later than three months after the making date of his communication, even if timely filed, may reduce any seamed patient managlastment. Set of TCR 17-106, 19.  A prophy reply reduced by the Office later than three months after the making date of his communication, even if timely filed, may reduce any seamed patient managlastment. Set of TCR 17-106, 19.  Status  Status  Status  Status  A possible this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) is fare pending in the application.  4) Claim(s) is fare allowed.  6) Claim(s) is fare allowed.  6) Claim(s) is fare allowed.  6) Claim(s) is fare pending in the application.  4) Claim(s) is fare period was a prophytication in a prophytication in a prophyticati	Office Action Commons	09/916,642	CORVI ET AL.
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be waited used the provision of 3 CFR 1.13(s). In no event, however, may a reply be timely lifed after SIX (8) MONTIS from the mailing date of this communication.  It NO period for reply is specified before the communication.  If NO period for reply is specified before the mailing date of this communication.  Failure to reply within the set of extended period for reply will. by statutory principle upply and will expire X(8) (8) MONTIS from the mailing date of this communication.  Failure to reply within the set of extended period for reply will. by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Willia bet then there increase the replication to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Willia bet then there increase the replication to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Willia bet then there increase the replication to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Willia between the waiting of the communication, even if timely filed, may reduce any sense patient term application to communication.  Any increase of the sense of the sen	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address
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## **DETAILED ACTION**

#### **Priority**

This application lacks the necessary reference to the prior application. A statement reading "This is a continuation of Application No. 9/377,884, filed August 19, 1999." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of all nonprovisional parent applications referenced should be included.

## Specification

The disclosure is objected to because of the following informalities: the application referred to on pages 8 and 10 should have "now patent no. 6,027,514" after it; the blanks on page 13 should be filled in or removed. Appropriate correction is required.

#### Claim Objections

Claim 60 is objected to because of the following informalities: claim 60 should depend from claim 59 not claim 1. Appropriate correction is required.

# Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 59 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Farr (cited by Applicant). Farr discloses a catheter body with a cutting window (42) at

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its distal end. An axially movable, rotatable cutting element (30) is wholly disposed within the catheter or extends out of the cutting window. See Figs. 3A-3C.

Claims 59-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller et al. The reference discloses a catheter with a cutting window (31) at its distal end. An axially movable, rotatable cutting element (46) is wholly disposed within the catheter or extends out of the cutting window through use of a ramp/cam (50). See Figs. 2 and 3.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gomringer et al teach a ramp that directs a cutting element through a cutting window.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. McCrosky whose telephone number is 703-305-1331. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on 703-308-3130. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

MAX F. HINDENBURG SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700